



## NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor  
210 Main St., 2<sup>nd</sup> Floor  
Northampton, MA 01060  
(413) 587-1212

### COMMISSIONERS

Natasha Yakovlev, Chair  
Helen Kahn  
Jennifer Ewers

Administration, Licensing and Economic Development Coordinator

Annie Lesko

[alesko@northamptonma.gov](mailto:alesko@northamptonma.gov)

### MEETING MINUTES

Wednesday, June 7, 2023

Virtual Meeting

4:00 p.m.

The June 7, 2023, License Commission meeting was held via remote participation.

#### Join Virtual Meeting

- **Video Conference:** <https://us06web.zoom.us/j/86928961725?pwd=Q2JaOW5ZbmVtNmpNTkRNNHFnVEt6QT09>

OR

- **Telephone, call:** +1-929-436-2866, Meeting ID: 869 2896 1725, Password: 280821

1. **MEETING CALLED TO ORDER** by Commissioner Yakovlev at 4:04 p.m.  
**ROLL CALL** - Commissioner Yakovlev, Kahn, and Ewers were all present  
**ANNOUNCEMENT OF ZOOM RECORDING** made by Commissioner Yakovlev
2. **PUBLIC COMMENT** - None
3. **HEARING RELATIVE TO POTENTIAL MODIFICATION OF ENTERTAINMENT LICENSE HELD BY BOMBYX CENTER FOR ARTS & EQUITY LOCATED AT 130 PINE STREET, FLORENCE**

Commissioner Yakovlev moved to item #4 of the agenda and went through item #11.

**Commissioner Yakovlev moved to open the public hearing at 4:48 p.m. Commissioner Kahn seconded. The motion was opened by a roll call vote of 3-0.**

Elizabeth Dunaway, Board President of Bombyx, stated that she vehemently objects to the representation of the neighbors that Bombyx hasn't been a good neighbor. Elizabeth stated they have been working with neighbors since the beginning, remain in email contact with neighbors, have made several voluntary concessions like ending shows an hour earlier, and have made significant costs to deal with parking issues and sound measuring equipment. Elizabeth stated that Bombyx has spoken to some of the other neighbors who do not share the same concerns as others so it's not a universal feeling, it's a handful of people. Elizabeth concluded by saying it's hard because Bombyx exists and is not going away so the neighbors aren't going to get everything they want.

Marisa Egerstrom, Pastor of Florence Congregational Church, stated it's clear that NIMBYism has become a form of bullying and there are a handful of people who believe they are entitled to change laws and regulations to meet their preferences and dictate how people gather, when they gather, and what kind of music they listen to. Marisa stated that these neighbors bought homes in a neighborhood full of community-serving institutions and on the edge of an industrial district and the neighbors now think they

can police what happens here like it's a gated community. She opined that if you don't do what they want, they will call the fire department. Marisa also stated the same people claim to have supported abolitionism but would have called the cops if Sojourner Truth got a little too loud. Marisa concluded by saying these neighbors say they support Bombyx, but only if the organization caters to their every whim and preference.

Caishlyn Morrissey, an employee, and neighbor of Bombyx stated they've never heard any noise coming from Bombyx. Caishlyn stated that as the front house manager, part of the job is to make sure people going out to their cars are not making noise and staying quiet and there have never been any issues with any of the guests. Caishlyn concluded by saying she has nothing but good things to say about Bombyx and this space has made her engage more in her community.

Ward 5 City Councilor Alex Jarrett spoke about Bombyx's amazing array of diverse music, performances, art, education, food, and religious services which drive the local economy and is essential in preserving the historic church building. Councilor Jarrett recognizes the need to address traffic and parking issues which will be on the June 20th Transportation and Parking Commission meeting agenda. Councilor Jarrett stated he supports Bombyx staying within the noise ordinance and the building department conducting their independent sound measures but he doesn't support any substantial changes to the entertainment license. Bombyx coming to the neighborhood has been a big change but it's also been one of the most exciting things to happen in a while.

Roger Sorkin, 14 Park Street, expressed his disappointment in the way the narrative is being framed and in the Pastor for her remarks because all of the neighbors support Bombyx and have lived in the neighborhood when the church was active and having events and there's never been a problem but to blame the neighbors when the building was not compliant with fire codes is disingenuous. Roger continued and stated all he wants to see happen is Bombyx comply with the noise ordinance. Roger stated that the building is not designed for the kind of amplified music that they're having. Roger reiterated that he likes Bombyx, doesn't want them to be shut down and it's in poor taste to frame the conversation as NIMBYism and it's beneath the Pastor to call the neighbors bullies.

Rebecca Muller, 193 Nonotuck Street, stated she is delighted Bombyx is in the neighborhood and grateful that it is helping to maintain the diversity of the building and community and is a wonderful addition to Florence. Rebecca stated it is difficult to control sound levels and she's lived in her house for over 30 years and has heard the performances at the Pines Theater. While she gets mildly annoyed when she drives by congested parking areas, it's the cost of doing business in a mixed neighborhood and community.

Isaac Luria, 35 Park Street, stated he is not concerned about parking or noise because it hasn't been an issue for him, and with summer months ahead it brings events and concerts which is what it means to live in a vibrant neighborhood.

Roberto Saravia, owner of Masa Mexicano, spoke in support of Bombyx, and pointed out that in the few days Bombyx was shut down his restaurant lost revenue. Roberto stated that Bombyx is a great art venue for the community and he hasn't heard a lot of noise coming from the establishment and hasn't seen any traffic issues either.

Gabrielle Gautieri, 45 Park Street, stated she's been hearing the sounds from VFW and concerts at the Civic Center for years and the sounds at Bombyx add to the community. Gabrielle stated that it sounds like the major issue is the noise ordinance so she encourages the parties responsible for changing it, to do so.

Lisa Chase, 114 Pine Street, opined that the NIMBYism rhetoric is detrimental and harsh because she fully supports Bombyx's mission and almost everything they do except for the parking and noise issues that come from a slice of the programming. Lisa stated it's difficult that there are amplified shows and outdoor shows in a residential neighborhood and asks that there be reasonable adjustments made to the entertainment license to address noise and parking concerns so Bombyx can continue with their programming and neighbors can live peacefully.

Patricia Mahar, 4 Park Street, stated she's still shaking because of the Pastor's remarks and she agrees with Lisa and Roger that the noise is bad and she's shocked that everyone can't work together. Patricia agrees that Bombyx has great programming but that amplified music outside isn't necessary. Patricia pointed out that she likes to go to bed early but can't anymore and hopes there is a way to work this out rather than pitting the neighbors against Bombyx because that's not the reality. Patricia furthered that on Saturday she drove home and couldn't pull into her driveway because there was a car parked in the middle of the street and there are nights she can't walk her dog safely because of the way cars are parked. Patricia doesn't understand why JJ's Tavern has to end at 8:30 p.m. but Bombyx can go late into the evening in a more residential neighborhood.

Patricia Sipe, 80 Pine Street, stated she's lived on Pine Street for 37 years and parking can be an inconvenience but the noise isn't a bother. Bombyx is a treasured resource for the community.

Bob Cilman, director of Young@Heart Chorus, expressed how happy he is to have been embraced by Bombyx. In the past, Young@Heart Chorus has had a difficult time finding rehearsal space but Bombyx has been welcoming and inclusive of Young@Heart in the vision of Bombyx which includes putting BIPOC talent on their stage.

Stephanie Pasternak, 121 Pine Street, expressed her disappointment with the vilification of the neighbors for complaining about the perpetual loud music and blaming the neighbors as if they have control over shutting down Bombyx. Stephanie stated she is on the board of the David Ruggles Center, is an employee of Center for New Americans, is familiar with trying to make the community more equitable, and also completely supports Bombyx's programming. Stephanie opined that the building is not able to handle the loud amplified music and Laudable Productions should have louder events at other locations. Stephanie concluded by saying "Power of Truths" was a wonderful event and the Pastor saying the neighbors are bullying is the Pastor doing the actual bullying.

Diana Riddle, 67 Pine Street, opined that the parking issues are not bothersome and appreciates the diverse noises coming from Bombyx because it's a part of life. Calling the authorities to deal with the issues makes it uncomfortable because there are better ways to deal with the problems.

Robert Ethier, 114 Pine Street, pointed out that just because some of the neighbors live on Pine Street doesn't mean they are having the same experiences as people living immediately adjacent to Bombyx. Robert stated that while on his porch it sounds like the Green River Festival is in the backyard. Robert stated that 4.5% of the shows are problematic and no one is concerned with 95% of the programming. Robert stated that there is a small percentage that is causing 100% of the problems and the issues should be addressed and evaluated the same way JJ's was.

Carrie Cuthbert, 122 Pine Street, stated that from the beginning she has welcomed Bombyx and has been thrilled to have an organization like that coming to the neighborhood. At the same time, she did raise concerns because of the noise levels and asked the city to take proactive steps to put some reasonable restrictions on a small percentage of programming. Carrie stated she's been working with Bombyx in good

faith to make some informal agreements and while Bombyx has made some adjustments, there haven't been enough made for her to use her home. Carrie stated she looks at Bombyx's calendar to determine how to schedule their lives and while she wants to see Bombyx succeed she wants them to be a good neighbor and adhere to the same noise limits as everyone else. Carrie wants to find a compromise that will allow Bombyx to use their space and allow her and the immediate neighbors to use their homes.

Scott Laidlaw, 122 Pine Street, stated that the noise lasting until after 11 p.m. and people hanging out on the street is also part of the problem. Scott stated that when he learned about Bombyx being a new non-profit with a mission he could support he was thrilled and while it took some time to get a response from Bombyx they were eventually able to meet and have a series of meetings about working together and being good neighbors. Scott pointed out that a year later, the neighbors have had to initiate every meeting and while Bombyx has made some improvements it's not enough. With windows closed, he can hear performances all the time throughout his house, even rehearsals. In a stretch of nine nights, eight of those nights the noise can be heard throughout the house making it impossible to relax after work. Scott concluded by saying he feels it is entirely reasonable to have some limits on entertainment.

Connor Stedman, a neighbor living on Corticelli Street stated that Bombyx is a huge asset to the community and while he's really glad they are in Florence, he's glad that he's not an immediate adjoining neighbor. Connor stated he had lived in Leeds at one time and entertainment coming from Look Park was much louder than his experience now.

Commissioner Yakovlev pointed out, for the record, that the License Commission has been the recipient of the complaints about noise and there needs to be an understanding that at no point did any neighbor vilify Bombyx, ask that Bombyx be shut down, or say anything of that nature. Commissioner Yakovlev furthered that it is patently untrue that the neighbors called the Fire Department. This conversation has to be void of any adversarial words as everybody wants and supports Bombyx. Supporting Bombyx doesn't change the fact that the building was built in 1830 and while there are artists' openings and poetry events there are also professionally produced concerts.

Commissioner Kahn expressed her disappointment with the rhetoric and some of the comments that were made during public comment because the neighbors who have spoken up tonight were some of the same neighbors who spoke in support of the entertainment license application when it was originally approved. Commissioner Kahn expressed her appreciation for someone mentioning that this isn't "for" or "against" Bombyx because everyone is "for" Bombyx. Just because the mission is fantastic doesn't mean the impact on the neighborhood can be ignored. The Commission put an undue burden on the neighbors to let the Commission know if there are issues and now they've been brave and spoken up and are being vilified and it's disappointing.

Commissioner Ewers thanked everyone for coming and speaking and recognizes that most everyone is coming from a place of concern and respect because we all support Bombyx while also recognizing it is a unique venue in a residential neighborhood.

Commissioner Yakovlev stated she wanted to start by addressing a few things in the letter that Bombyx submitted to the Commission along with the follow-up letter that was submitted this morning. She asked how Cassandra received the email intended for the clerk about the results of the sound check.

Cassandra Holden stated that Caishlyn spoke with John Frey the night of the sound check so she reached out about the findings after the fact. Cassandra stated she wants to correct the record that when Captain Curtin visited Bombyx he stated he was visiting because of a noise complaint, and it was reiterated in the letter that came from Fire Chief Jon Davine.

Commissioner Yakovlev pointed out that the reason for the shutdown wasn't because of the noise complaint it was because of fire safety issues. She stated that the night the south check occurred was two nights after the shutdown so there was a lot of confusion among ticket holders resulting in that concert not being representative of a normal night at Bombyx. Commissioner Yakovlev stated there will be additional sound checks that will be done because there needs to be a larger sample than just one night.

Cassandra Holden stated Bombyx is invested in complying with the noise ordinance.

Commissioner Yakovlev appreciates that sentiment because from the very beginning, there have been conversations about sound mitigation and now it needs to be turned into action. She furthered that she was struck by the letter characterizing the interaction with the neighbors in terms of scheduling quarterly meetings. In the letter, Bombyx stated neighbors refused to schedule the meetings and wanted to do a Doodle poll. However, it was Kyle Homestead that offered to do a Doodle poll, not the neighbors. What is represented in the letter is the opposite of what occurred which is concerning because of the narrative that is being put out there.

Kyle Homestead expressed his confusion and his vilification because most of what was discussed at the April 17th meeting isn't reflected in the neighbor's letters. For example, as of June 1st, Bombyx has resumed a parking arrangement for the parking lot next door. Kyle questioned how Bombyx and the neighbors can have productive meetings when Bombyx's efforts aren't being reflected and it feels like both sides of the equation are having different experiences.

Commissioner Yakovlev asked about sound mitigation efforts thus far.

Kyle Homestead stated that they've just completed putting AC in the entire building which will allow them to keep the windows closed at all times. The next project is creating a new envelope of insulation around the entire sanctuary with work to start at the end of June completed by the end of summer.

Commissioner Yakovlev pointed out that the new HVAC system and insulation are going to be successful in comfort and efficiency and being able to keep the windows closed but have conversations taken place with the contractor about insulation tied to sound mitigation as opposed to just insulation for the sake of insulating.

Kyle Homestead stated the insulation project is shaped to make a difference in sound mitigation and designed to put the insulation where it's going to make a difference for sound transmissions, such as the walls, attic, ceiling, floor, and stage area.

Cassandra Holdren stated that Bill Ryan has come to do an evaluation and Silent Sound has come to address some internal sound issues in which these efforts were relayed to neighbors at the April 17th meeting. Cassandra stated that they've been working with Greenfield Glass to understand the impact of installing windows around the existing stained glass windows.

Kyle Homestead stated that the windows are phase three of sound mitigation, phase one was HVAC, and phase two is insulation.

Commissioner Yakovlev pointed out that Bombyx is doing a lot of incredible things and there's amazing stuff happening but the infrastructure to support programming is not happening quickly enough.

Cassandra Holden stated it is the high-profile bands that allow Bombyx to leverage grant funds to address these concerns.

Kyle Homestead stated that phase two is funded, phase one is complete, and phase three needs to be funded. He stated their funding capacity has been compromised because of the \$300K sprinkler installation that needs to come first while continuing to experience revenue loss.

Commissioner Kahn expressed an understanding that the bigger shows help get the funding for sound mitigation. With that said and knowing it's impossible to mitigate sound at this time, can it be turned down?

Kyle Homestead stated, unfortunately, it's not as simple as that and sound has nothing to do with the perception of how big an artist is or how big the audience is. Kyle stated that they can't put a band on stage and then ask them to turn it down. For example, two loud shows over the past few months were incredible artists from Africa that are highly regarded and have percussion instruments, and turning that down would be discriminatory. Looking at the calendar, the loud artists that would need to be edited out would be discriminatory and would mean world music would be on the chopping block.

Commissioner Yakovlev stated that no one wants that and world music is what sets Bombyx apart so how can sound mitigation be accomplished sooner?

Cassandra Holden stated that the insulation will take place over the summer so within a couple of months there will be a significant reduction in sound transmission.

Marc Sternick, the architect for Bombyx, asked if the city can move forward as quickly as possible with the sound checks because so far Bombyx hasn't violated the limit. For the next couple of sound checks, if the same results are achieved then maybe there isn't a problem.

Commissioner Ewers opined that the timing of the hearing is not ideal because there isn't enough data.

Kyle Homestead stated that he has a lot of data that is consistent with the building department data.

Commissioner Ewers stated that the Commission also has to weigh people's perceptions and not just look at data. She shared an experience at one of Bombyx's outdoor shows she attended in which someone came up to her and said they walked there and couldn't hear a thing and another person said the noise level for a Tuesday night was out of control. The perception of some of the neighbors is real.

Commissioner Kahn stated that there was a statement in the packet Bombyx submitted that read, "Yes, some of the shows were too loud". She asked for an explanation.

Kyle Homestead stated that comment was meant to validate the experience of the neighbors. Bombyx has never said that because it is not violating the decibel limit it is done with sound mitigation. They are working as fast as they can to improve the situation and they understand that everybody in the neighborhood has a different experience. Bombyx would like to be silent but there is no building that is perfectly silent when presenting music. Kyle stated there are artists that aren't allowed back because they are too loud.

Commissioner Kahn expressed her appreciation that everyone is trying to do the right thing. She stated there is no way that outdoor concerts will stay in compliance with the decibel limit. However, it sounds like neighbors are okay with a few but not three or four per week.

Cassandra Holden pointed out that when the Commission met last year there was a conversation that an event is a ticketed performance of some kind. For example, a Bar Mitzvah isn't an event.

Commissioner Kahn stated that's not true because any kind of event held by Bombyx with amplified music counts as an event.

Commissioner Yakovlev concurred that the 30 outdoor events were for 30 events ticketed or not. She stated that someone told John Frey there were no outdoor concerts and for the record he said there "should be no outdoor concerts because there's no way for sound mitigation".

Kyle Homestead stated there are three outdoor concerts scheduled for this summer and a lot of people are reaching out wanting to do outdoor events but we're skittish because it will cause trouble and based on this conversation, it sounds like even if Bombyx is within the noise ordinance it's to someone's displeasure.

Commissioner Yakovlev asked if they can control the density of loud events.

Kyle Homestead pointed out that they do try to manage the density and engage in selective thought processes when scheduling.

Commissioner Yakovlev asked if there is a clause in the rental contracts about sound.

Cassandra Holden confirmed that there is a clause that all renters must abide by the noise ordinance and the voluntary stop time of 9 p.m. on weekdays and 10 p.m. on weekends which is the informal agreement with the neighbors.

Commissioner Kahn asked what the consultants think the mitigation efforts will do in terms of sound.

John Losito, Facilities Coordinator, stated he brought in a sound consultant who is working with 10 churches in the Boston area and is also a recording studio designer so he is experienced at working with spaces that can't have sound coming in or going out. The consultant opined that it's very different working with an existing building but he outlined each phase of the sound mitigation project and the differences it will make. Cassandra noted she will follow up with this information. John pointed out that the building has balloon construction which means there is a giant void between the wood and the outside wall which makes a huge difference in sound transmission and vibration so the building is essentially reverberating and acting as a gigantic bass drum. He stated he has been trying to work with Scott Laidlaw about what he is hearing.

Scott Laidlaw stated it depends on the show because some of the events can be heard in the house and that is fine. However, there are some that make it unbearable to be in the house. Scott frequently uses the part of his house that is closest to Bombyx and he can hear even the church organ through his walls and windows. Scott pointed out that thermal installation doesn't work the same as sound insulation and it's important to note that the windows are a weak spot in the system. Scott stated he spoke with Kyle Homestead about pre-tests and post-tests for every phase of sound mitigation so there is an understanding of what is being accomplished. Scott stated he would still like to see that happen. He also pointed out that Bombyx is held to a different decibel limit than where his house is located because of the zoning change, even though Bombyx is still surrounded on three sides by residences. Scott concluded by saying he wants to be good neighbors while also feeling like he can stay in his house.

Kyle Homestead stated Bombyx is in a precarious position and it's going to be very hard to stay open. Bombyx is not just one organization, it is the engine that is holding everything together but with all the expenses Bombyx is teetering on the edge of not existing. Bombyx doesn't want an adversarial relationship, it wants a good relationship, and it's disappointing to read the neighbor's letters that don't reflect the time, money, and efforts Bombyx has sacrificed.

Commissioner Kahn asked if the parking issue will be resolved now that the neighboring parking lot has been secured.

Kyle Homestead stated that when there is a full-capacity event, all cars can fit between the two parking lots. Bombyx will also put out signs to retrain people to not park on the street and park in the lots instead.

**Commissioner Kahn moved to close the public hearing at 7:15 p.m. Commissioner Ewers seconded. The motion to close was approved 3-0 by a roll call vote.**

Commissioner Yakovlev proposed three to five amplified events outside which also include weddings and bar mitzvahs.

There was a brief discussion about how many outdoor shows are reasonable.

Commissioner Yakovlev clarified that entertainment is amplified music, live or otherwise, and not necessarily a lecture.

Kyle Homestead stated this can't be addressed just as Bombyx because the synagogue has services outside and bar mitzvahs.

Commissioner Yakovlev clarified this is an entertainment license specific to Bombyx and not the church or synagogue. If Bombyx is renting the facility for weddings or bar mitzvahs then it falls under the license but the church wanting to go outside for a service is separate and doesn't fall under this license.

Commissioner Kahn opined that it needs to be clear when limiting outdoor events that those events include weddings and bar mitzvahs.

Commissioner Yakovlev stated that a dance for a wedding or bar mitzvah can happen inside but that doesn't mean the ceremony can't happen outside. The Commission can't say people can't go outside, it can only speak to the entertainment happening outside. She stated that because the neighbors are okay with this and the Commission doesn't want to limit opportunities for Bombyx. Commissioner Yakovlev stated that Bombyx needs to submit a floor plan for where the outdoor entertainment will be held and verify that the outdoor capacity will not exceed the indoor capacity.

The Commission was in agreement on six outdoor events.

Commissioner Yakovlev stated there are efforts for sound mitigation but since the Commission doesn't have the sound decibel data she opined that she's not inclined to limit the frequency of events at this time. However, the timing seems to be an issue and when there are nights that shows are getting out at 10 p.m. it's a detriment to the neighborhood. With that said, Commissioner Yakovlev proposed a shift to ending the weekday events at 9 p.m. and weekends at 10 p.m. This proposal is simply putting in writing the informal agreement already in place between the neighbors and Bombyx.

Kyle Homestead stated that in good faith almost all shows on the calendar start at 7 p.m. and typically run 90 minutes to two hours so they end by 9 p.m. It's a nonstarter if Bombyx is now in the position of policing bands who may want to do an encore.

Commissioner Yakovlev pointed out that the Commission is just putting the informal agreement on paper to mirror what Bombyx is already doing.

Cassandra Holden stated the informal agreement allows Bombyx the flexibility for certain events to run a little longer.



Kyle Homestead stated that the more the Commission squeezes Bombyx the less viable Bombyx becomes.

Commissioner Kahn stated she's hesitant to change the hours very much but is open to an end time of 9 p.m. Sunday through Thursday and keeping 10 p.m. with occasional programming until 11 p.m. on Fridays and Saturdays. She stated that once the sound mitigation has been achieved there's a chance to revisit.

Commissioner Ewers stated that giving the benefit of the doubt to a parking resolution but not the same benefit to sound mitigation is weighing on her.

Commissioner Kahn stated that parking is immediate and sound mitigation will take time so it's going to continue to be loud.

**Commissioner Kahn moved to modify the entertainment license held by Bombyx Center for Arts & Equity, Inc. at 130 Pine Street, Florence, to limit outdoor events to six per year and for all events to be conducted from Monday through Thursday between the hours of 8:30 a.m. and 9 p.m., Friday and Saturday between the hours of 8:30 a.m. and 10 p.m. and Sundays between the hours of 1 p.m. and 9 p.m. to mitigate adverse impacts on the neighborhood and to align with the informal agreement made between Bombyx and the neighbors. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

The Commission moved to agenda item #13

#### **4. APPLICATIONS FOR SHORT-TERM LIQUOR LICENSES**

Trustees of Forbes Library, 20 West St.

Type: Wine & Malt

Request Fee Waiver

Date/Time: June 8, 2023, 5 p.m. to 8 p.m.

Event: Artists Reception: Sharp, Vigeant, Saxe

Date/Time: July 8, 2023, 3 p.m. to 5:30 p.m.

Event: Artists Reception: Sproull, Fahey

Date/Time: August 3, 2023, 5:30 p.m. to 8 p.m.

Event: Artists Reception: Weir, Greenebaum, Getler

Faith Kauffman was present for these applications and stated the events will be held in the same fashion as usual with wine, cheese, and crackers.

**Commissioner Kahn moved to approve the applications for short-term liquor licenses for Forbes Library for June 8, July 8, and August 3, 2023, including the fee waiver. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

#### **5. APPLICATIONS FOR SHORT-TERM LIQUOR LICENSES**

Building 8 Brewing, 320 Riverside Dr., Florence

Events: Beer Release Party

Type: Wine & Malt

Date/Time: Friday, June 23, 2023, 3 p.m. to 8 p.m.

Saturday, June 24, 2023, 12 p.m. to 8 p.m.

Monday, June 26, 2023, 12 p.m. to 6 p.m.

O'Brian Tomalin was present for these applications and stated he has a lot of new offerings so he's looking to have a beer release party for a few days. Next time he appears before the Commission he hopes to be applying for his on-premise pouring permit.

Commissioner Ewers asked if water and snacks will be available as usual.

O'Brian Tomalin stated he will have water, snacks, seltzers, and juice boxes for the kids and will work with Pho Boston one of those days to make food available.

**Commissioner Kahn moved to approve the applications for short-term liquor licenses for Building 8 Brewing for June 23, 24, and 26, 2023. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**6. APPLICATION FOR A TRANSFER OF A COMMON VICTUALLER LICENSE**

TKP Hospitality Company d/b/a Friendly's Restaurant

Proposed manager: Tom Patten

Tom Patten was present for this application and stated he is buying the Friendly's location on Main Street in Florence. The transfer is taking place on Monday, June 12, 2023. Tom stated he has taken over the Hadley location as well and has a general manager in place but will be overseeing operations daily.

**Commissioner Kahn moved to approve the transfer of the Common Victualler license to TKP Hospitality Company d/b/a Friendly's Restaurant. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**7. PUBLIC HEARING ON AN APPLICATION FOR A NEW SEASONAL WINE AND MALT RESTAURANT LICENSE**

Masa Mexicano, LLC, 176 Pine St., Florence

Proposed Manager: Roberto Saravia

**Commissioner Yakovlev moved to open the public hearing at 4:13 p.m. Commissioner Kahn seconded and the hearing was open.**

Cassandra Holden spoke in favor of the application and stated that Masa Mexicano is an excellent partner, is incredibly generous and is excited for them to expand their offerings.

Roberto Sarvia was present for this application and stated he is a first-time business owner and has a lot of customers asking about beer and wine. Roberto stated he wants to work with local beer vendors and will start with cans and bottles. He stated he is working on a grant to get proper dishwashing equipment and then he will include serving wine. Roberto concluded by stating he will be buying a card reader.

**Commissioner Yakovlev moved to close the public hearing at 4:18 p.m. Commissioner Kahn seconded and the hearing was closed by a 3-0 roll call vote.**

**Commissioner Kahn moved to approve the application for the new seasonal wine and malt license for Masa Mexicano, LLC, at 176 Pine St., Florence. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**8. PUBLIC HEARING ON AN APPLICATION FOR A CHANGE OF OFFICERS/DIRECTORS AND A CHANGE OF MANAGER ON AN ANNUAL WINE AND MALT BEVERAGES PACKAGE STORE LICENSE**

River Valley Market, LLC d/b/a River Valley Co-Op

Proposed manager: Jason Caron

**Commissioner Yakovlev moved to open the public hearing at 4:19 p.m. Commissioner Kahn seconded and the hearing was open.**

There was no public comment on this application.

Jason Caron was present for this application and stated there has been a change in the officers and directors that needs to be updated and because Rochelle, the previous manager, has been spending most of her time in the main office while he spends his time in the store, it makes sense to make him the manager on the license.

**Commissioner Yakovlev moved to close the public hearing at 4:21 p.m. Commissioner Kahn seconded and the hearing was closed by a 3-0 roll call vote.**

**Commissioner Kahn moved to approve the application for a change of officers/directors and a change of manager for River Valley Market, LLC. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**9. REQUEST BY BLUE PAWS, INC. D/B/A JJ'S TAVERN, 99 MAIN STREET, FLORENCE, FOR TWO TEMPORARY MODIFICATIONS TO THE EXISTING ENTERTAINMENT LICENSE**

Saturday, June 10, 2023, 7 p.m. to 9 p.m.

JJ's Tavern 10-year Anniversary Comedy Show Fundraiser

Saturday, September 30, 2023, 2 p.m. to 6 p.m.

Annual OkFLOberfest Celebration with a live band

Jon Neumann was present and stated that Saturday, weather permitting, there will be a 10-year anniversary comedy show which is a fundraiser for the Sojourner Truth Memorial and the show will go past the 8:30 p.m. curfew.

Commissioner Yakovlev clarified that the entertainment license stands that there is live amplification one night a week from 5:30 p.m. to 8:30 p.m. for music only, no comedy.

Jon Neumann stated that September 30, 2023, is the annual OkFLOberfest celebration which will start sooner than the allowable hours.

Commissioner Kahn congratulated JJ's on the 10-year anniversary and appreciated Mr. Neumann for coming forward to request the modifications.

**Commissioner Kahn moved to approve the requested modifications to the entertainment license held by Blue Paws, Inc. on June 10, 2023, from 7 p.m. to 9 p.m. and on September 30, 2023, from 2 p.m. to 6 p.m. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**10. APPLICATION FOR A NEW ENTERTAINMENT LICENSE**

Gombo Oyster Bar, LLC, 159 Main St.

Proposed entertainment: Friday, 9 p.m. to 1 a.m., indoors, live acoustic music

Nyah Forth, general manager for Gombo, was present for this application and stated that Gombo wants to have live New Orleans style music with one or two musicians once or twice a week during dinner hours.

Commissioner Yakovlev asked whether or not the music will be amplified.

Nyah Forth stated that it would just be the musician's instruments but if there was amplification in the future she questioned whether or not she would have to come back.

Commissioner Yakovlev stated that because there are residences upstairs it would be good to notify all residential abutters of what the plans are so they know it's coming and it opens a line of communication.

Commissioner Kahn recommended music stop a half hour before closing time.

There was a brief discussion about Gombo's hours of operation and the clerk offered to talk to Nyah offline about how to go about changing the hours on the license. Nyah confirmed that the hours on the license have a closing time of 1 a.m.

Nyah Forth questioned if the music was to be amplified would she have to come back before the Commission.

Commissioner Yakovlev confirmed that she would need to request an amendment.

**Commissioner Kahn moved to approve the new entertainment license for Gombo Oyster Bar, LLC for live acoustic indoor music on Fridays from 9 p.m. to 12:30 a.m. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

Commissioner Yakovlev pointed out that it's come to the Commission's attention that Gombo's cocktail menu has drinks that have vodka, tequila, and/or rum and the cordial license is specific in that it's not the overall sugar content of the cocktail itself but that every single bottle in the establishment has to have a tax stamp on it stating that it's either a cordial or a liqueur and vodkas, tequilas, and rums don't fall in that category.

Nyah Forth stated that the distributors told them that the bottles have to have 2.5% of sugar in the alcohol, so the tequila being used is lime tequila and grapefruit tequila along with citrus vodka.

Commissioner Yakovlev pointed out that after having gone through this before and on advice from the ABCC, a cordial and a liqueur are only such if they have that stamp on the bottle. Distributors saying there is a sugar content in the bottle doesn't make it a cordial, it just makes it vodka with a sugar content.

Nyah Forth stated her confusion because the distributors told her they wouldn't sell them things they weren't supposed to have.

The clerk offered to send a list of acceptable cordials.

Commissioner Yakovlev stated that those drinks need to stop being served.

**11. APPLICATION FOR A TEMPORARY OUTDOOR DINING EXTENSION OF PREMISE INTO A PRIVATE PARKING LOT**

Saratoga Sports Bar, Inc. d/b/a The Office, 325 Riverside Dr.  
Approx. 300 sq. ft. with 6 tables and 15 chairs

Bill Akers was present for this application and stated he's hoping to have some outdoor dining for people to come outside with drinks on nice days and when there is someone cooking on the grill.

Commissioner Yakovlev pointed out that the map shows there will be music.

Bill Akers stated he included that because he knew the Commission was waiting on a floor plan for the outside entertainment license. He stated there are no plans yet for outdoor music and he will try indoor music first.

**Commissioner Ewers moved to approve the temporary extension of premises for Saratoga Sports Bar, Inc. as shown on the plan on file with the License Commission to include approximately 300 sq. ft. with 6 tables and 15 chairs and also approving the floor plan for the previous contingency on the entertainment license approval. Commissioner Kahn seconded. The motion was approved 3-0 by a roll call vote.**

The Commission moved to item #3 on the agenda.

## **12. DISCUSSION AND POSSIBLE VOTE TO AMEND THE ENTERTAINMENT APPLICATION AND/OR LICENSES**

Commissioner Kahn stated that when the situation with Bombyx happened the License Commission was blindsided about all the other regulations that are required for licenses the Commission grants. Commissioner Kahn questioned whether or not the Commission needs to add language to its entertainment license applications or change the process so that all of the licenses are contingent upon meeting the requirements of all city departments.

Commissioner Yakovlev stated she had a conversation with the Licensing Clerk in Easthampton to gather information about entertainment licenses. Easthampton's entertainment applications have to be signed off on by both the fire department and building department before they come to the License Commission. If this was happening in Northampton, it would have been better for everyone involved.

The Commission asked the clerk what the next steps are to make this part of the process in Northampton.

The clerk will bring the request to the Mayor.

## **13. REQUEST TO RESCIND THREE PREVIOUSLY APPROVED SHORT-TERM LIQUOR LICENSES FOR BUILDING 8 BREWING**

Location: Bombyx, 130 Pine St., Florence

Event: Live Music

Type: Wine & Malt

Date/Time: Friday, May 12, & Saturday, May 13, 2023, 3 p.m. to 10 p.m.

Date/Time: May 27, 2023, 6 to 9 p.m.

**Commissioner Kahn moved to rescind the previously approved short-term liquor licenses for Building 8 Brewing for Friday, May 12, Saturday, May 13, 2023, and May 27, 2023. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

The Commission moved back to item #12 on the agenda.

## **14. APPROVAL OF MINUTES**

- May 3, 2023

**Commissioner Kahn moved to approve the May 3, 2023, minutes as written. Commissioner Ewers seconded. The motion was approved 3-0 by a roll call vote.**

**15. NEW BUSINESS**

The Commission asked the clerk to schedule a few sound compliance checks with one being rather soon and another being after the installation of the insulation.

**16. ADJOURN**

**Commissioner Yakovlev moved to adjourn the meeting at 8:19 p.m. Commissioner Kahn seconded. The motion to adjourn was approved 3-0 by a roll call vote.**